

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JERMAINE ADAMS,

Plaintiff,

v.

Case No. 2:09-cv-29
HON. ROBERT HOLMES BELL

CRAIG SMITH, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On August 19, 2009, defendants filed a motion to dismiss. On August 20, 2009, this Court issued an order notifying plaintiff of his opportunity to file a response to defendants' motion. Plaintiff failed to file a response to defendants' motion and has failed to file any pleadings in this case since that time. A review of the Michigan Department of Corrections Offender Tracking Information System establishes that plaintiff was discharged from incarceration on January 22, 2010. *See* <http://www.state.mi.us/mdoc/asp/-otis2profile.asp?mdocNumber=302480>. Plaintiff has failed to keep this Court apprised of his current address.

Accordingly, it is recommended that plaintiff's complaint be dismissed, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of

this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: February 11, 2010